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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR  | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|-----------------------|---------------------|------------------|
| 09/462,928      | 01/14/2000  | PAUL MICHAEL O'CONNOR | 775417.0004         | 5663             |

21832            7590            04/10/2003  
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|                 |              |
|-----------------|--------------|
| EXAMINER        |              |
| DODDS, HAROLD E |              |
| ART UNIT        | PAPER NUMBER |

2177  
DATE MAILED: 04/10/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                  |                        |
|------------------------------|----------------------------------|------------------------|
| <b>Office Action Summary</b> | Application No.                  | Applicant(s)           |
|                              | 09/462,928                       | O'CONNOR, PAUL MICHAEL |
|                              | Examiner<br>Harold E. Dodds, Jr. | Art Unit<br>2177       |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 31 January 2003.

2a) This action is FINAL.                  2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-3,5-7,9,11,13-18,20-22,24,26 and 28-42 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-3,5-7,9,11,13-18,20-22,24,26 and 28-42 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 14 January 2000 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

|  |  |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                               | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____                                     |

## DETAILED ACTION

### *Drawings*

1. New corrected drawings are required in this application because Applicant has not responded to the USPTO Form 948, which was attached to the Non-Final Office Action mailed on 16 January 2002. Applicant is advised to employ the services of a competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5-7, 14-18, 20-22, and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dedrick (U.S. Patent No. 5,717,923), Kravitz (U.S. Patent No. 6,029,150), and Geerlings (U.S. Patent No. 6,073,112).

4. Dedrick rendered obvious independent claims 1 and 16 by the following:  
"...to an interaction database of interaction data..." at col. 2, lines 15-20.  
"...the interaction database.." at col. 2, lines 15-20.  
"...storing in a demographics database demographic data..." at col. 12, lines 7-11.  
"...retrieving from the interaction and demographics databases..." at col. 10, lines 5-12.

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"...data retrieved from the interaction and demographics databases...." at col. 10, lines 5-12.

Dedrick does not teach the interaction of customer and merchant data, the use of data representing existing or prospective customers, and the generation of reports.

5. However, Kravitz teaches the interaction of customer and merchant data as follows:

"...transmitting a customer identifier from a customer to a merchant automatically during a commercial transaction between the customer and the merchant..." at col. 13, lines 2-5, col. 7, lines 21-25, col. 13, lines 14-19, and col. 1, lines 52-55.

"...transmitting the customer identifier and a merchant identifier from the merchant to a financial institution..." at col. 13, lines 2-5, col. 7, lines 21-25, col. 14, lines 29-33, and col. 1, lines 28-31.

"...transmitting the customer identifier and the merchant identifier from the financial institution..." at col. 13, lines 2-5, col. 7, lines 21-25, col. 14, lines 29-33, and col. 1, lines 28-31.

"...representing interactions between customers and merchants, comprising interaction data of interactions involving different merchants..." at col. 11, lines 64-67 and col. 12, lines 1-2.

"...with interaction data obtained from interactions between customers and merchants..." at col. 11, lines 64-67 and col. 12, lines 1-2.

It would have been obvious to one ordinarily skilled in the art at the time of the invention to have an interaction database for interactions or transactions between

customers and merchants in order to maintain a record of these transactions for future reference.

Kravitz does not teach the use of data representing existing or prospective customers and the generation of reports.

6. However, Geerlings teaches the use of data representing existing or prospective customers and the generation of reports as follows:

"...data representing existing and/or prospective customers of one or more merchants..." at col. 1, lines 24-28.

"...representing existing and/or prospective customers of two or more merchants..." at col. 1, lines 24-28.

"...generating a report..." col. 15, lines 2-13.

It would have been obvious to one ordinarily skilled in the art at the time of the invention to capture interactions with existing customers and to build lists of prospective customers in order to develop marketing strategy for the merchant's services or products. Likewise, it would have been obvious to one ordinarily skilled in the art at the time of the invention to produce reports to summarize data in the database into meaningful summaries for the merchant.

7. As per claims 2 and 17, the "...interaction database..." is taught by Dedrick at col. 2 lines 15-20 and the "...demographics database are maintained as separate databases..." is taught by Dedrick at col. 12, lines 7-11.

8. As per claims 3 and 18, the "...interaction database..." is taught by Dedrick at col. 2 lines 15-20 and the "...demographics database are maintained as a single database..." is taught by Dedrick at col. 12, lines 7-11.

9. As per claims 5 and 20, the "...interaction data includes date and/or time data..." is taught by Kravitz at col. 14, lines 35-36.

10. As per claims 6 and 21, the "...one or more interactions has a monetary value, and the interaction data obtained from the interaction includes the monetary value..." is taught by Kravitz at col. 14, line 37.

11. As per claims 7 and 22, the "...interactions stored in the interaction database..." is taught by Decrick at col. 2, lines 15-20, the "...comprise commercial transactions..." is taught by Kravitz at col. 11, lines 51-55, and the "...between customers and merchants..." is taught by Karvitz at col. 11; lines 64-67 and col. 12, lines 1-2.

12. As per claim 14, the "...report..." is taught by Geerlings at col. 15, lines 2-13, the "...includes demographic data..." is taught by Dedrick at col. 12, lines 7-11, and the "...representing the customers of a merchant ..." is taught by Kravitz at col. 11, lines 64-67 and col. 12, lines 1-2.

13. As per claim 15, the "...report..." is taught by Geerlings at col. 15, lines 2-13, the "...includes demographic data..." is taught by Dedrick at col. 12, lines 7-11,

and the "...representing the customers of two or more merchants....," is taught by Kravitz at col. 11, lines 64-67 and col. 12, lines 1-2.

14. As per claim 29, the "...report generator is configured to generate a report..." is taught by Geerlings at col. 3, lines 62-65 and col. 15, lines 2-13, the "...based on data including demographic data..." is taught by Dedrick at col. 12, lines 7-11,

and the "...representing the customers of a merchant. ....," is taught by Kravitz at col. 11, lines 64-67 and col. 12, lines 1-2.

15. As per claim 30, the "...report generator is configured to generate a report..." is taught by Geerlings at col. 3, lines 62-65 and col. 15, lines 2-13, the "...based on data including demographic data..." is taught by Dedrick at col. 12, lines 7-11,

and the "...representing the customers of two or more merchants....," is taught by Kravitz at col. 11, lines 64-67 and col. 12, lines 1-2.

16. Claims 31, 32, 37, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dedrick, Kravitz, and Geerlings as applied to claims 7 and 22 above, and further in view of Sirbu et al. (U.S. Patent No. 5,809,144).

As per claims 31 and 37, the "...interaction data..." is taught by Dedrick at col. 2, lines 15-20,  
the "...includes a customer identifier, the customer identifier..." is taught by Kravitz at col. 7, lines 21-24,  
the "...from the commercial transactions..." is taught by Kravitz at col. 11, lines 51-55,

but the "...comprising an account number..." and "...being obtained by one or more financial institutions..." are not taught by either Dedrick, Kravitz, or Geerlings.

However, Sirbu teaches the use of account numbers and the use of customer and merchant accounts by financial institutions as follows:

"...The cryptographic checksum of the customer's account number with an account verification nonce, so that the merchant may verify that any supplied credentials were used correctly..." at col. 10, lines 4-7.

"...funds in a customer's account can be replenished from a bank or credit card; similarly, funds in a merchant's account are made available by depositing them in the merchant's bank account in financial institution 18..." at col. 3, lines 65-67 and col. 4, line 1.

It would have been obvious to one ordinarily skilled in the art at the time of the invention to use customer account numbers and to obtain customer accounts from financial institutions in order to designate unique numbers representing each customer, which had already been assigned by the financial institution in the transaction database.

17. As per claims 32 and 38, the "...interaction data..." is taught by Dedrick at col. 2, lines 15-20,

the "...includes a merchant identifier, the merchant identifier..." is taught by Kravitz at col. 28, line 16,

the "...comprising an account number..." is taught by Sirbu at col. 10, lines 39-42; the "...obtained by one or more institutions..." is taught by Sirbu at col. 3, lines 65-67 and col. 4, line 1,

and the "...from the commercial transactions..." is taught by Kravitz at col 11, lines 51-55.

18. Claims 9, 24, 33, 34, 39, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dedrick, Kravitz, and Geerlings as applied to claims above, and further in view of Kawecki et al. (U.S. Patent No. 5,963,625).

As per claims 9 and 24, the "...interactions stored in the interaction database..." is taught by Dedrick at col. 2, lines 15-20, the "...comprise communications between customers and merchants..." is taught by Kravitz at col. 14, lines 64-37 and col. 15, lines 1-2, but the "...provided by one or more telecommunications service providers..." is not taught by either Dedrick, Kravitz, or Geerlings.

However, Kawecki teaches the use of telecommunications service providers as follows:

"...when an LEC 110 (150) disconnects a subscriber to local service for non-payment, the subscriber may be automatically input to the sponsor ANI tabular data as well as that maintained for a telecommunications service provider ..." at col. 8, lines 11-15.

It would have been obvious to one ordinarily skilled in the art at the time of the invention to use information from telecommunications service providers as the source of data for the interaction database in order to provide information about the participants of a transaction.

19. As per claims 33 and 39, the "...interaction data..." is taught by Dedrick at col. 2, lines 15-20,

the "...includes a customer identifier, the customer identifier..." is taught by Kravitz at col. 7, lines 21-25,

but the "...comprising a telephone number..." are not taught by either Dedrick, Kravitz, or Geerlings.

However, Kawecki teaches the use of telephone numbers and the use of telecommunications service providers as follows:

"...All the data, for example, calling party name, address, telephone number, credit card number, etc. can be used to track callers who do not pay for 900 pay services. For example, when an LEC 110 (150) disconnects a subscriber to local service for non-payment, the subscriber may be automatically input to the sponsor ANI tabular data as well as that maintained for a telecommunications service provider..." at col. 8, lines 8-15.

It would have been obvious to one ordinarily skilled in the art at the time of the invention to use information from telecommunications service providers as the source of telephone numbers of customers and merchants for the interaction database in order to provide information about the participants of a transaction.

20. As per claims 34 and 40, the "...interaction data..." is taught by Dedrick at col. 2, lines 15-20,

the "...includes a merchant identifier, the merchant identifier..." is taught by Kravitz at col. 28, line 16,

the "...comprising a telephone number obtained by one or more telecommunications service providers from the communications..." is taught by Kawecki at col. 8, lines 8-15.

21. Claims 11, 26, 36, 37, 41, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dedrick, Kravitz, and Geerlings as applied to the claims above, and further in view of Hanson et al. (U.S. Patent No. 5,974,398).

As per claims 11 and 26, the "...interactions stored in the interaction database..." is taught by Dedrick at col. 2, lines 7-11, "...between customers and merchant..." is taught by Kravitz at col. 11, lines 64-67 and col. 12, lines 1-2, but the "...comprise data network communications..." and "...provided by one or more data network service providers..." are not taught by either Dedrick, Kravitz, or Geerlings.

However, Hanson teaches the use of data network communications and data network service providers as follows:

"...FIG. 1 shows an on-line service platform 100 connected to an advertiser workstation 120 via a data network 130. Data network 130, in this illustrative example of the invention, comprises a conventional data transport network such as that available from communication service providers..." at col. 2, lines 58-63.

It would have been obvious to one ordinarily skilled in the art at the time of the invention to store transactions between customers and merchants on a data communications network provided by data network service providers on the interaction database in order to maintain a record of the transactions between customers and merchants on this medium.

22. As per claims 35 and 41, the "...interaction data..." is taught by Dedrick at col. 2, lines 15-20,

the "...includes a customer identifier, the customer identifier..." is taught by Kravitz at col. 7, lines 21-25,

the "...comprising a data network address..." is taught by Kravitz at col. 46, lines 12-14, and the "...obtained by one or more data network service providers from the data network communications..." is taught by Hanson at col. 2, lines 58-63,

23. As per claims 36 and 42, the "...interaction data..." is taught by Dedrick at col. 2, lines 15-20,

the "...includes a merchant identifier, the merchant identifier..." is taught by Kravitz at col. 28, line 16,

the "...comprising a data network address..." is taught by Kravitz at col. 46, lines 12-14, and the "...obtained by one or more data network service providers from the data network communications..." is taught by Hanson at col. 2, lines 58-63.

24. Claims 13 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dedrick, Kravitz, and Geerlings as applied to claims 1 and 15 above respectively, and further in view of Carles (U.S. Patent No. 5,661,516).

As per claim 13, the "...report..." is taught by Geerlings at col. 15, lines 2-13, the "...in addition to data retrieved from the interaction...database..." is taught by Dedrick at col. 2, lines 15-20,

the "...demographics database..." is taught by Dedrick at col. 12, lines 7-11, but the "...is based on census data..." is not taught by either Dedrick, Kravitz, or Geerlings.

However, Carles teaches the use of census data as follows:

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"...Using demographic, census and survey data, and other available data, information about these households in a wide range of categories is gathered..." at col. 5, lines 11-14.

It would have been obvious to one ordinarily skilled in the art at the time of the invention to use census data along with data retrieved from the interaction and demographics databases in order to provide more informative reports for the user.

25. As per claim 38, the "...report generator is configured to generate a report..." is taught by Geerlings at col. 15, lines 2-13, the "...in addition to data retrieved from the interaction...database..." is taught by Dedrick at col. 2, lines 15-20, the "...demographics database..." is taught by Dedrick at col. 12, lines 7-11, but the "...based on census data..." is not taught by either Dedrick, Kravitz, or Geerlings.

However, Carles teaches the use of census data as follows:

"...Using demographic, census and survey data, and other available data, information about these households in a wide range of categories is gathered..." at col. 5, lines 11-14.

It would have been obvious to one ordinarily skilled in the art at the time of the invention to use census data along with data retrieved from the interaction and demographics databases in order to provide more informative reports for the user.

### ***Response to Arguments***

26. Applicant's arguments filed 31 January 2003 have been fully considered but they are not persuasive. In the first argument for independent claims 1 and 16 on page 6, paragraph 5, the Applicant states as follows:

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"The Dedrick specification does not teach or suggest transmitting a customer identifier from a customer to a merchant automatically during a commercial transaction between the customer and the merchant, transmitting the customer identifier and the merchant identifier from the merchant to a financial institution, nor does it describe the step of transmitting the customer identifier and the merchant identifier from the financial institution to an interaction database. In Dedrick, the customer must be known to the merchant, wherein the present invention does not require this."

Kravitz teaches the automatic transfer of customer and merchant data in independent claims 1 and 16 as follows:

"...transmitting a customer identifier from a customer to a merchant automatically during a commercial transaction between the customer and the merchant..." at col. 13, lines 2-5, col. 7, lines 21-25, col. 13, lines 14-19, and col. 1, lines 52-55. Karvitz teaches the use of automated transactions as follows:

"...In preferred embodiments, upon receipt of this authenticated digital payment advice 130 by C's customer network software 104 (step S214), the authenticated digital payment advice 130 is automatically forwarded from the customer network software 104 to the merchant's MNS 112 (step S214)..." at col. 13, lines 14-19.

In this reference, Kravitz teaches an automatic transfer of a digital payment advice. This reference suggests that other customer and merchant information could be processed automatically. Likewise, Kravitz teaches the transfer of customer and merchant information to a financial institution as follows:

"...transmitting the customer identifier and a merchant identifier from the merchant to a financial institution..." at col. 13, lines 2-5, col. 7, lines 21-25, col. 14, lines 29-33, and col. 1, lines 28-31.

In order to transfer the funds from the customer account to the merchant account, the financial institution must have the identifiers of both the customer and merchant.

27. In the second argument for independent claims 1 and 16 on page 4, paragraph 5, the Applicant states as follows:

"Similarly, the Kravitz system does not operate by transferring a customer identifier from a customer to a merchant automatically during a commercial transaction between the customer and the merchant. A stated advantage of the Kravitz system is that the anonymity of the customer is preserved as regards the merchant. The Kravitz system does not teach or suggest the transferal of a customer identifier from the customer to the merchant and in fact this feature would not be in accord with the stated objects of the Kravitz system. In Kravitz, the merchant is unable to associate the origin of any particular transaction with prior transactions from the same customer because the merchant is not provided with information which would enable such an association to be made."

The issue of automatic transfer of information was answered in the response to the first argument. Kravitz also teaches the providing of the merchant with customer information as follows:

"...Digital goods are deliverable over the Internet, while hard goods are delivered via conventional means to an address which was possibly indicated to the merchant by the customer during the quote consideration process..." at col. 13, lines 43-47.

An Internet address or a street address provides the merchant with ample means of associating customer information from the same customers.

28. In the third argument for claims 31, 32, 37, and 28 on page 8, paragraph 2, the Applicant states as follows:

"More specifically, Sirbu et al. does not teach, suggest or disclose a system and method for transferring a customer identifier from a customer to a merchant and then transmitting that customer identifier together with a merchant identifier from the merchant to a financial institution, and then transmitting the customer identifier in the merchant identifier from the financial institution to an interaction database. Therefore, claims 31, 32, 37 and 38 by virtue of there dependency from claims 1 and 16, distinguish over the combination of Dedrick, Kravitz, Geerlings and Sirbu et al."

This is essentially the same argument as presented by the Applicant in the first and second arguments. Since the Applicant has not presented any additional arguments related to the Sirbu reference, the responses to the first and second arguments render obvious claims 31, 32, 37, and 28.

29. In the fourth argument for claims 9, 24, 33, 34, 39, and 40 on page 8, paragraph 3 and page 9 paragraph 1, the Applicant states as follows:

"More specifically, Kawecki et al. does not teach, suggest or disclose a system and method for transferring a customer identifier from a customer to a merchant and then transmitting that customer identifier together with a merchant identifier from the merchant to a financial institution, and then transmitting the customer identifier in the merchant identifier from the financial institution to an interaction database. Therefore, claims 9, 24, 33, 34, 39 and 40 by virtue of there dependency from claims 1 and 16, distinguish over the combination of Dedrick, Kravitz, Geerlings and Kawecki et al."

This is essentially the same argument as presented by the Applicant in the first and second arguments. Since the Applicant has not presented any additional arguments related to the Kawecki reference, the responses to the first and second arguments render obvious claims 9, 24, 33, 34, 39, and 40.

30. In the fifth argument for claims 11 and 26 on page 9 paragraph 2, the Applicant states as follows:

"More specifically, Hanson et al. does not teach, suggest or disclose a system and method for transferring a customer identifier from a customer to a merchant and then transmitting that customer identifier together with a merchant identifier from the merchant to a financial institution, and then transmitting the customer identifier in the merchant identifier from the financial institution to an interaction database. Therefore, claims 11 and 26 by virtue of there dependency from claims 1 and 16, distinguish over the combination of Dedrick, Kravitz, Geerlings and Hanson et al.'

This is essentially the same argument as presented by the Applicant in the first and second arguments. Since the Applicant has not presented any additional arguments

related to the Hanson reference, the responses to the first and second arguments render obvious claims 11 and 26.

31. In the sixth argument for claims 35, 36, 41, and 42 on page 9 paragraph 3, the Applicant states as follows:

"More specifically, Silverman does not teach, suggest or disclose a system and method for transferring a customer identifier from a customer to a merchant and then transmitting that customer identifier together with a merchant identifier from the merchant to a financial institution, and then transmitting the customer identifier in the merchant identifier from the financial institution to an interaction database. Therefore, claims 35, 36, 41, 42 by virtue of there dependency from claims 1 and 16, distinguish over the combination of Dedrick, Kravitz, Geerlings, Hanson et al and Silverman."

This is essentially the same argument as presented by the Applicant in the first and second arguments. Since the Applicant has not presented any additional arguments and the Silverman reference is no longer used, the responses to the first and second arguments render obvious claims 35, 36, 41, and 42.

32. In the seventh argument for claims 13 and 28 on page 10 paragraph 1, the Applicant states as follows:

"More specifically, Carles does not teach, suggest or disclose a system and method for transferring a customer identifier from a customer to a merchant and then transmitting that customer identifier together with a merchant identifier from the merchant to a financial institution, and then transmitting the customer identifier in the merchant identifier from the financial institution to an interaction database. Therefore, claims 13 and 28 by virtue of there dependency from claims 1 and 16, distinguish over the combination of Dedrick, Kravitz, Geerlings and Carles."

This is essentially the same argument as presented by the Applicant in the first and second arguments. Since the Applicant has not presented any additional arguments related to the Carles reference, the responses to the first and second arguments render obvious claims 13 and 28.

***Conclusion***

33. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

34. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harold E. Dodds, Jr. whose telephone number is (703)-305-1802. The examiner can normally be reached on Monday - Friday 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on (703)-305-9790. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and 703-746-7238 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-305-3900.



Harold E. Dodds, Jr.  
Patent Examiner  
April 4, 2003



GRETA ROBINSON  
PRIMARY EXAMINER